

REMARKS

Claims 1-6 and 8 have been amended. Claims 11 and 12 have been added. The fee of \$210.00 for the added claims is being paid by electronic funds transfer. Please charge any other fees for entry of this Amendment to our Deposit Account 03-3415.

The claims in this Amendment were submitted to the Examiner in a Proposed Amendment Under 37 CFR 1.121(a) on April 11, 2008. Also submitted on that date were an Agenda For Telephone Interview Scheduled For April 16, 2008 At 3:30PM and an Appendix A to the Agenda. The Appendix A compared the Claim 1 and Claim 11 features to the cited references and demonstrated how the claims distinguished over the references.

The Examiner telephoned applicant's undersigned attorney on April 16, 2008 and in a short telephone interview advised applicant's undersigned attorney that the proposed claims overcame the rejections in the pending Office Action and that a formal response filing the claims should be submitted. This Amendment is the formal response.

In the pending Office Action, the Examiner has rejected applicant's claims 1, 3 and 5-10 under 35 USC 103(a) as unpatentable based on the Kosei, et al. patent (U. S. Patent No. 7,098,946) and the Shigemoto, et al. patent (U. S. Patent No. 5,469,125). The Examiner has further rejected applicant's claims 2 and 4 also under 35 USC 103(a) based on the latter two patents taken with the Ejima, et al. reference (U. S. Patent Application Publication No. 2002/0008765). These rejections are respectfully traversed.

More particularly, applicant's independent claim 1 has been amended to recite an image pickup apparatus including a first mode for picking up an object image and a second mode for reproducing a recorded image, said apparatus comprising: an operation member which is switched to said first mode according to an operation to a first position, and is switched to said

second mode according to an operation to a second position, and further itself is automatically forced to be suppressed to a third position different from each of the first position and the second position when said operation member is not operated by a user; and a control unit, which effects different control of said image pickup apparatus in accordance with the mode set before said operation member is operated being the first mode or the second mode even if said operation member is subjected to a same switching operation for switching from the third position to one of the first and second positions.

Similarly, independent method claim 8 has been amended to recite a control method of an image pickup apparatus including an operation member which is switched to a first mode for picking up an object image according to an operation to a first position, and is switched to a second mode for reproducing a recorded image according to an operation to a second position, and further itself is automatically forced to be suppressed to a third position different from each of the first position and the second position when said operation member is not operated by a user, said control method comprising: the step of effecting different control of said image pickup apparatus in accordance with the mode set before said operation member is operated being the first mode or the second mode even if said operation member is subjected to a same switching operation for switching from the third position to one of the first and second positions.

Additionally, newly added claim 11 recites an image pickup apparatus including a first mode for picking up an object image and a second mode for reproducing a recorded image, said apparatus comprising: an operation member which is switched to said first mode according to an operation to a first position, and is switched to said second mode according to an operation to a second position, and further itself is automatically forced to be suppressed to a

third position different from each of the first position and the second position when said operation member is not operated by a user; and a control unit which changes control to said image pickup apparatus according to a current one of said first and second modes in which said image pickup apparatus is set with the operation member in said third position and one of the first position and the second position, to which said operation member is operated from the third position.

Newly added claim 12 includes like features in reciting a control method of an image pickup apparatus including an operation member which is switched to a first mode for picking up an object image according to an operation to a first position, and is switched to a second mode for reproducing a recorded image according to an operation to a second position, and further itself is automatically forced to be suppressed to a third position different from each of the first position and the second position when said operation member is not operated by a user, said control method comprising: the step of changing control to said image pickup apparatus according to a current one of said first and second modes in which said image pickup apparatus is set with the operation member in said third position and one of the first position and the second position, to which said operation member is operated from the third position.

The features of applicant's amended claims 1 and 8, and their respective dependent claims, and applicant's newly added claims 11 and 12 are not taught or suggested by the cited Kosei, et al., Shigemoto, et al. and Ejima, et al. references. In particular, the R/P change over switch 26 in the Kosei, et al. patent, even if modified in accordance with the return to neutral switch in the Shigemoto, et al. patent and with the teaching in the Ejima, et al. reference of the withdrawal and feeding of a lens barrel in the R and P modes, would still not result in an apparatus and method as recited in applicant's aforementioned claims. This is demonstrated by

the above-mentioned Appendix A which is repeated below:

P is First or Photographic Mode

R is Second or Reproduction Mode

LB is Lens Barrel

**Operation of Claimed Invention As Per Claim 1**

Mode Set Before Return To Switch Center Position	Mode Turned To From Switch Center Position	Control
R	R	Withdraw LB/Reproduction FIG. 6, Steps S603-S605
R	P	Feeding LB Forward/ Photographing FIG. 7, Steps S703-S706
P	R	Not Withdraw LB/Reproduction FIG. 6, Steps S603, S606-S607
P	P	Photographing FIG. 7, Step S703

**Different Control Effected Depending Upon Whether Previous Mode Set Is R or P Since  
R or P Mode Set Remains Upon Automatic Return of Switch To Center Position**

**Operation of System of Kosei, et al., Shigemoto, et al. and Ejima, et al. References**

Mode Set Before Return To Switch Center Position	Mode Turned To From Center Switch Position	Control Effected
R	R	Reproduction
R	P	Feed LB/photographing
P	R	Reproduction
P	P	Feed LB/Photographing

**Same Control Effected Regardless of Whether Previous Mode Set is R or P Since  
R or P Mode Set Terminates Upon Automatic Return of Switch To Center Position**

**Operation of Claimed Invention As Per Claim 11**

Control Change Based On: 1) One of R and P Modes Currently Set With the Switch in the Center Position; and  
2) One of First and Second Position to Which the Switch is Operated From the Center Position.

**Operation of System of Kosei, et al., Shigemoto, et al. and Ejima, et al. References**

Control Change Based On : 1) One of First and Second Position to Which the Switch is Operated From the Center Position.

This is so since with the switch manually (Kosei, et al) or automatically (Shigemoto, et al.) returned to the Center Position, the R and P modes cease so there can be no R or P mode currently set with the switch in the center position.

Feeding of lens when switching to the P mode and withdrawal of lens when switching from the P to R modes of Ejima, et al. doesn't change the control.

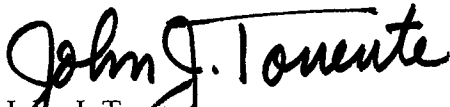
Based on the aforesaid, it is submitted that applicant's amended independent claims 1 and 8, and their respective dependent claims, and applicant's newly added claims 11 and 12 patentably distinguish over the cited Kosei, et al., Shigemoto, et al. and Ejima, et al. references.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: May 2, 2008

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Respectfully submitted,

  
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